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SUBJECT: CCD - SECOND DRAFT OF NWFZ STUDY, CHAPTER III

FOLLOWING IS TEXT OF SECOND DRAFT OF CHAPTER III
(CONCEPT OF NUCLEAR-WEAPON-FREE ZONES) DISTRIBUTED
TO EXPERTS JULY 17.

BEGIN TEXT.

III. CONCEPT OF NUCLEAR-WEAPON-FREE ZONES

1. OBJECTIVES

1. THE DOMINANT FACTOR IN THE DEVELOPMENT OF INTEREST IN THE CONCEPT OF NUCLEAR-WEAPON-FREE ZONES HAS BEEN THE DESIRE TO CREATE MACHINERY THAT WILL, BY SECURING THE EFFECTIVE PROHIBITION OF NUCLEAR WEAPONS FROM SUCH AREAS, SPARE THE NATIONS INVOLVED FROM THE THREAT OF NUCLEAR ATTACK OR INVOLVEMENT IN NUCLEAR WAR, AND ALSO TO MAKE A POSITIVE CONTRIBUTION, AS A MEASURE OF NUCLEAR DISARMAMENT, TOWARDS THE IMPROVEMENT OF INTERNATIONAL PEACE AND SECURITY. THE CONCEPT OF NUCLEAR-WEAPON-FREE ZONES STEMMED FROM UNCLASSIFIED

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THE EARLY AND WIDENING REALIZATION THAT A NUMBER OF STATES IN MANY REGIONS OF THE WORLD HAVE OR COULD HAVE THE CAPACITY TO DEVELOP A NUCLEAR WEAPON PRODUCTION AND DELIVERY CAPABILITY WITHIN A RELATIVELY SHORT PERIOD; THAT IT IS POSSIBLE THAT MORE STATES MAY DECIDE TO

DO SO; THAT IF THIS OCCURED IT COULD PRESENT NEW THREATS TO THE NATIONAL SECURITY OF STATES IN AREAS AT PRESENT FREE FROM NUCLEAR WEAPONS; THAT IT COULD PRECIPITATE A RUINOUSLY EXPENSIVE AND PERILOUS NUCLEAR ARMS AND DELIVERY RACE IN THESE AREAS; AND COULD ADD NEW DANGERS OF NUCLEAR WAR TO AN ALREADY DANGEROUS WORLD. THERE HAS, FURTHERMORE, BEEN THE DEVELOPMENT OF FEELING IN SOME STATES THAT THE EFFORTS TO DATE FOR THE LIMITATION OF NUCLEAR WEAPON PROLIFERATION HAVE NOT PROVED TO BE FULLY SUCCESSFUL. THE RAPID INCREASE OF THE USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES, AND ITS POTENTIALITY AS A MATERIAL BASIS FOR THE SPREAD OF NUCLEAR WEAPONS, ADDS A POWERFUL ADDITIONAL FACTOR IN THE MOVEMENT TOWARDS CLOSER EXAMINATION OF NUCLEAR-WEAPON-FREE ZONES.

2. THE BASIS PURPOSES AND CHARACTERISTICS OF NUCLEAR-WEAPON-FREE ZONES MAY BE BRIEFLY SUMMARIZED. THE OBJECTIVES ARE TO ENSURE THE EFFECTIVE PROHIBITION OF NUCLEAR WEAPONS FROM SUCH ZONES, AND THEREBY TO ELIMINATE THE POSSIBILITY OF NUCLEAR CONFRONTATION AND WAR BETWEEN THE STATES OF THE AREA, TO REDUCE THE POSSIBILITY OF THE AREA BEING INVOLVED IN A NUCLEAR CONFRONTATION BETWEEN THE NUCLEAR POWERS, AND TO HELP TO ENSURE THAT NO MEMBER OF IT WOULD BE THE VICTIM OF A NUCLEAR ATTACK. VIEWED ON A BROADER SCALE, THE PURPOSE IS TO PROVIDE ADDITIONAL MACHINERY TO AVERT NUCLEAR PROLIFERATION AND THE NUCLEAR ARMS RACE AND THEIR INEVITABLE GLOBAL CONSEQUENCES. ANOTHER IMPORTANT BENEFIT COULD BE IN THE CREATION OF A FRAMEWORK FOR REGIONAL COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY. IT IS THUS ARGUED THAT NUCLEAR- WEAPON-FREE ZONES PROVIDE COMPLEMENTARY MACHINERY TO GENERAL MEASURES OF DISARMAMENT AND NON-PROLIFERATION AND THE DEVELOPMENT OF PEACEFUL USES OF NUCLEAR ENERGY. THEY MUST NOT BE REGARDED AS ALTERNATIVES TO THE PRINCIPLE OF THE UNIVERSALITY OF THE NON-PROLIFERATION TREATY, BUT RATHER AS A POTENTIALLY POWERFUL INSTRUMENT TO SUPPLEMENT THE TREATY. WHILE THE NUCLEAR-WEAPON-FREE ZONE CONCEPT MAY NOT BE PRACTICAL IN ALL AREAS, ITS PURPOSE IS TO ENSURE THAT IN PARTICULAR AREAS THE GOVERNMENTS AGREE NOT TO BUILD, NOR TO PURCHASE, NOR TO RECEIVE, NOR TO DEPLOY, NUCLEAR WEAPONS.

(A) SECURITY OF STATES INCLUDED IN THE ZONE

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3. THE PREMISE UPON WHICH ANY NUCLEAR-WEAPON-FREE ZONE MUST BE BASED WILL BE THE CONVICTION OF STATES THAT THEIR VITAL SECURITY INTERESTS WOULD BE ENHANCED AND NOT JEOPARDIZED BY PARTICIPATION. THE PERCEPTION OF NATIONAL SECURITY IS, OBVIOUSLY, A MATTER OF NATIONAL POLICY, AND THESE PERCEPTIONS CHANGE, BUT ONE OF THE MOST PERVASIVE ARGUMENTS PUT FORWARD BY SEVERAL EXPERTS IN FAVOUR OF THE NUCLEAR-WEAPON-FREE ZONE CONCEPT IS THAT THE PRESENCE OF NUCLEAR WEAPONS IN A REGION THREATENS THE SECURITY OF ALL ITS MEMBERS, AND NOT EXCLUDING THE POSSESSOR OF THE WEAPONS OR THE COUNTRY IN WHICH THEY ARE DEPLOYED. THERE IS, ACCORDINGLY, IT WAS ARGUED, A CONJUNCTION OF NATIONAL AND REGIONAL INTERESTS IN REGIONS WHERE THESE WEAPONS DO NOT EXIST IN PRESERVING A NON-NUCLEAR STATUS QUO. IT WILL BE RECOGNIZED THAT THE SITUATION IN AREAS WHERE NUCLEAR

WEAPONS ARE ALREADY DEPLOYED WILL BE DIFFERENT, AND WILL RAISE PARTICULAR ISSUES FOR THE SECURITY OF STATES; THIS WOULD HAVE TO FORM A MAJOR CONSIDERATION IN ANY PROPOSAL FOR THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE.

4. THE DIFFERENCES BETWEEN AREAS IN THEIR ECONOMIC DEVELOPMENT, RELATIONS BETWEEN NATIONS, GEOGRAPHICAL SITUATION, AND RELATIONSHIPS WITH THE EXISTING NUCLEAR WEAPON STATES, MAKES GENERALIZATION HAZARDOUS, BUT IT IS ARGUED THAT THE SUCCESS OF A NUCLEAR-WEAPON-FREE ZONE WOULD DEPEND UPON COMMON AGREEMENT THAT THE DEVELOPMENT AND POSSESSION OF NUCLEAR WEAPONS BY ANY MEMBER WAS PERILOUS TO THE AREA AS A WHOLE. THE PRESENT NUCLEAR POWERS, IT IS SUGGESTED, COULD CONTRIBUTE TO THE SUCCESS OF THE POTENTIAL ZONE BY COMMITTING THEMSELVES NOT TO USE OR THREATEN NUCLEAR FORCE AGAINST THE MEMBERS OF THE ZONE, BY AGREEING NOT TO DEPLOY NUCLEAR WEAPONS WITHIN THE ZONE, AND BY AGREEING NOT TO SUPPLY SUCH WEAPONS TO ANY MEMBER OF THE ZONE. THESE NEGATIVE ASSURANCES SHOULD ALSO BE MATCHED WITH POSITIVE ONES TOWARDS THE ZONE TO INCREASE ITS SECURITY. IT WAS CONSIDERED BY MANY EXPERTS THAT IT IS IN THOSE REGIONS WHERE THE MOST ACUTE TENSIONS EXIST THAT THE ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES ON SUCH TERMS WOULD BE PARTICULARLY DESIRABLE - IF ALSO, AS THEY RECOGNIZE, PARTICULARLY DIFFICULT TO ACHIEVE.

5. THERE IS AN ADDITIONAL ARGUMENT WHICH HAS BEEN EMPHASIZED BY SEVERAL COMMENTATORS, WHO POINT TO THE LONGER-TERM MILITARY AND NON-MILITARY POSSIBILITIES OF REGIONAL CO-OPERATION IN THE NUCLEAR-WEAPON-FREE ZONES, PARTICULARLY IN THOSE AREAS OF ACUTE TENSION. THE UNCLASSIFIED

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EXONENTS OF THIS ARGUMENT CONSIDER THAT THE CREATION OF AN EFFECTIVE ZONE WOULD IN ITSELF REDUCE SUCH TENSIONS, AND COULD LEAD TO REGIONAL ARMS LIMITATIONS MEASURES AND CO-OPERATION ON WIDER ISSUES. ON THE OTHER HAND, IT IS ARGUED THAT THE REDUCTION OF TENSION MUST PRECEDE THE CREATION OF A TRULY EFFECTIVE NUCLEAR-WEAPON-FREE ZONE.

6. ALTHOUGH PERCEPTIONS OF NATIONAL SECURITY COULD IMPEL NATIONS TOWARDS GOING NUCLEAR IN ORDER TO IMPROVE THEIR STRATEGIC POSITION, OR AS A RESULT OF APPREHENSION THAT OTHER STATES MIGHT DO SO, IT IS ARGUED BY SOME EXPERTS THAT THE CREATION OF REALLY EFFECTIVE REGIONAL CO-OPERATION COULD ENSURE THAT THE ABSENCE OF NUCLEAR WEAPONS FROM A ZONE WOULD NOT AFFECT THE SECURITY STATUS OF ITS MEMBERS ADVERSELY - INDIVIDUALLY OR COLLECTIVELY.

7. THE SUGGESTION HAS ALSO BEEN MADE BY ONE EXPERT THAT EXAMINATION SHOULD BE MADE OF THE POSSIBILITY OF CREATING AD HOC NUCLEAR-WEAPON-FREE ZONES SIMILAR TO DEMILITARIZED ZONES FORESEEN IN THE HUMANITARIAN LAWS OF WAR AND PRIMARILY SERVING A HUMANITARIAN PURPOSE . IT IS ARGUED THAT SUCH AD HOC ZONES COULD BE ESTABLISHED BY

AGREEMENT BETWEEN NUCLEAR WEAPON COMBATANTS IN TIMES OF WAR OR BY UNILATERAL DECLARATION BY A STATE OR GROUP OF STATES TO MAKE UP THE ZONE IN TIMES OF SEVERE CRISIS. OTHER EXPERTS EXPRESSED SCEPTICISM ABOUT WHETHER THIS WAS A FEASIBLE PROPOSAL. IT WAS ALSO STATED THAT GENERAL CONDITIONS FOR THE ACCEPTANCE OF AD HOC ZONES THAT WOULD BE NECESSARY TO SPECIFY IN PEACETIME IN ORDER TO FACILITATE AGREEMENTS IN TIMES OF WAR OR CRISIS SHOULD BE SUBJECT TO A SPECIAL STUDY AND LIE BEYOND THE SCOPE OF THIS ONE.

(B) WORLD SECURITY

8. WORLD SECURITY IS INSEPARABLE FROM REGIONAL SECURITY. THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE WHENEVER SUITABLE CONDITIONS EXIST COULD MAKE A POSITIVE CONTRIBUTION TO THE ACHIEVEMENT OF THE OBJECTIVES OF NUCLEAR NON-PROLIFERATION AND THE REDUCTION OF THE GLOBAL NUCLEAR ARMS RACE, AND ACCORDINGLY HAS A POTENTIAL SIGNIFICANCE THAT COULD EXTEND BEYOND THE AREA COVERED BY THE ZONE, AND THAT THIS COULD BE EVEN MORE TRUE IN THOSE POSSIBLE ZONES WHICH INCLUDE STATES WHICH EITHER POSSESS NUCLEAR WEAPONS OF THEIR OWN OR DEPLOY THOSE OF THE NUCLEAR WEAPON STATES.
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THUS, ALTHOUGH THE PRIME PURPOSE OF A NUCLEAR-WEAPON-FREE ZONE IS REGIONAL SECURITY, IT WAS CLAIMED THAT IT SHOULD ALSO BE SEEN AS PART OF THE PROCESS OF AVERTING NUCLEAR PROLIFERATION AND OF ARRESTING THE GLOBAL ARMS RACE, AND THAT IN THIS PROCESS THE INTERESTS OF THE PRESENT NUCLEAR POWERS THEMSELVES ARE INVOLVED. IN THIS CONTEXT, IT SHOULD BE NOTED THAT ON SEVERAL OCCASIONS SINCE 1945 EVENTS HAVE DEMONSTRATED HOW SWIFTLY A REGIONAL CONFLICT FOUGHT WITH CONVENTIONAL WEAPONS CAN ESCALATE SHARPLY AND CAN INVOLVE A NUCLEAR WEAPON STATE. THUS, IN TERMS OF WORLD SECURITY, THERE ARE THREE DOMINANT FACTORS - THE URGENT NEED TO CURB NUCLEAR PROLIFERATION, TO ENHANCE NATIONAL SECURITY OF STATES, AND TO USE THE NUCLEAR-WEAPON-FREE ZONE MACHINERY AS PART OF A WIDER STRATEGY OF ARMS-CONTROL AND LIMITATION.

(C) NON-PROLIFERATION OF NUCLEAR WEAPONS

9. AS HAS BEEN EMPHASIZED, THE CONCEPT OF NUCLEAR-WEAPON-FREE ZONES IS NOT SEEN AS AN ALTERNATIVE TO, BUT RATHER AS A POTENTIALLY POWERFUL INSTRUMENT TO SUPPLEMENT, THE NON-PROLIFERATION TREATY REGIME. THE POINT WAS MADE BY SEVERAL EXPERTS THAT NUCLEAR-WEAPON-FREE ZONES MAY NOT BE APPROPRIATE IN ALL AREAS, AND THAT STATES MAY CONSIDER THAT THEIR SECURITY INTERESTS ARE BEST SERVED BY OTHER FORMS OF ALLIANCES, AND THAT IN THESE CIRCUMSTANCES STRICT ADHERENCE TO THE NPT REGIME BECOMES PARTICULARLY IMPORTANT. THUS, WHILE DISAPPOINTMENT HAS BEEN EXPRESSED THAT THE EFFORTS TO LIMIT NUCLEAR WEAPON PROLIFERATION HAVE NOT BEEN AS FULLY SUCCESSFUL AS HAD BEEN HOPED, THE INCREASED DANGERS TO WORLD PEACE PRESENTED BY THIS PROLIFERATION SHOULD MAKE STATES MORE AWARE OF THE IMPORTANCE OF LIMITING IT, WHETHER BY JOINING NUCLEAR-WEAPON-FREE ZONES, OR BY BECOMING SIGNATORIES TO THE NPT, OR BY SEEKING OTHER REGIONAL ARRANGEMENTS TO REDUCE TENSIONS.

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2. PRINCIPLES FOR THE ESTABLISHMENT OF ZONES: RELEVANCE
OF REGIONAL CONSIDERATION

10. AS THE CONDITIONS IN WHICH PARTICULAR NUCLEAR-WEAPON-FREE ZONES MIGHT BE SET UP DIFFER CONSIDERABLY FROM REGION TO REGION, AND THE SECURITY CONSIDERATIONS AND PERCEPTIONS OF STATES WHICH ARE POTENTIAL MEMBERS VARY, IT IS NOT POSSIBLE OR REALISTIC TO SET OUT PRECISE GUIDELINES FOR THE CREATION OF ZONES. THE GOVERNMENTS THEMSELVES MUST RESOLVE THEIR OWN SECURITY REQUIREMENTS, AND DETERMINE THEIR IMMEDIATE AND LONG-TERM NATIONAL INTERESTS. AS SEVERAL EXPERTS POINTED OUT, THERE MAY BE REGIONS IN WHICH NUCLEAR-WEAPON-FREE ZONES ARE IMPRACTICABLE, OR WHERE THEIR CREATION MIGHT NOT IMPROVE THE SECURITY OF THE STATES OF THE AREA. NONETHELESS, IT IS ARGUED BY MANY THAT THERE IS REAL VALUE IN ESTABLISHING CERTAIN AGREED PRINCIPLES WITHIN WHICH INDIVIDUAL NUCLEAR-WEAPON-FREE ZONES COULD BE ADAPTED TO MEET PARTICULAR REGIONAL PROBLEMS AND REQUIREMENTS.

(A) THE INITIATIVE FOR THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE SHOULD COME FROM WITHIN THE POTENTIAL AREA, AND PARTICIPATION MUST BE VOLUNTARY.

(B) THE FUNDAMENTAL COMMITMENTS OF ALL PARTIES AND OTHER STATES
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THAT HAVE ENTERED INTO OBLIGATIONS TO THE ZONE MUST BE TO ENSURE THAT THE ZONE WOULD BE, AND WOULD REMAIN, EFFECTIVELY FREE OF ALL NUCLEAR WEAPONS, INCLUDING THOSE OF NATIONS OUTSIDE THE ZONE.

(C) THE NATURE OF THE ZONE MUST BE SUCH THAT ALL SUCH PARTIES ARE CONVINCED THAT MEMBERSHIP WOULD STRENGTHEN THEIR SECURITY.

(D) IT WOULD BE HIGHLY DESIRABLE THAT ALL THE MAJOR MILITARY AND POLITICAL STATES OF THE REGION SHOULD BE INVOLVED.

(E) THE ARRANGEMENTS MUST CONTAIN AN EFFECTIVE SYSTEM OF VERIFICATION TO ENSURE THE FULL COMPLIANCE BY ITS PARTICIPANTS WITH THE AGREED OBLIGATIONS.

(F) THE ARRANGEMENTS SHOULD ENSURE THAT APPROPRIATE ASSURANCES OF THE NUCLEAR WEAPON STATES NOT TO INSTALL, DEPLOY, OR STOCKPILE NUCLEAR WEAPONS IN THE ZONE SHOULD BE INCORPORATED INTO A LEGALLY BINDING AGREEMENT.

(G) THE ARRANGEMENTS SHOULD NOT INHIBIT THE ECONOMIC, SCIENTIFIC, AND DEVELOPMENT OF THE MEMBERS, WHICH COULD INCLUDE INTERNATIONAL COOPERATION ON THE PEACEFUL USES OF NUCLEAR ENERGY.

(H) THE TREATIES ESTABLISHING THE ZONE SHOULD BE PERMANENT.

(I) THE POSSIBILITY SHOULD EXIST OF A STATE DECLARING THAT ALL OR EVEN PART OF ITS TERRITORY SHALL BE A NUCLEAR-WEAPON-FREE ZONE.

IT WAS ALSO ARGUED BY MANY EXPERTS THAT THE TERM "NUCLEAR WEAPON" SHOULD INCLUDE "ALL OTHER NUCLEAR EXPLOSIVE DEVICES", AND THAT THE EXCLUSION OF

SUCH DEVICES FROM NUCLEAR-WEAPON-FREE ZONES SHOULD BE INCLUDED IN THE LIST OF GENERAL PRINCIPLES. THIS VIEW WAS CONTESTED BY OTHER EXPERTS, WHO STATED THAT THE PRESENCE OF NUCLEAR EXPLOSIVE DEVICES INTENDED FOR PEACEFUL PURPOSES DID NOT COMPROMISE THE VALIDITY OF A NUCLEAR-WEAPON-FREE ZONE.

3. SECURITY TREATIES AND THE ESTABLISHMENT OF ZONES

11. FOR THOSE STATES THAT ARE PARTIES TO ONE OR MORE SECURITY ALLIANCES AND WHO ARE POTENTIAL PARTICIPANTS IN A NUCLEAR-WEAPON-FREE ZONE, SPECIAL PROBLEMS MIGHT ARISE WHICH COULD POSE PARTICULAR QUESTIONS, ESPECIALLY IN THOSE ALLIANCES WHICH HAVE NUCLEAR POWERS IN THEIR MEMBERSHIP. IN THESE CASES THERE IS OFTEN AN OBLIGATION, WHETHER EXPLICIT OR IMPLICIT, FOR THE NUCLEAR POWERS TO COME TO THE AID OF ITS ALLY WITH ALL POSSIBLE MEANS IN CASE
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OF AGGRESSION. THIS NEED NOT, OF COURSE, BE NUCLEAR SUPPORT IN THE ACTUAL EVENT, BUT THE POSSIBILITY EXISTS. MATTERS CAN BE COMPLICATED IN SOME CASES BY THE ISSUE OF DEPLOYMENT, AS MUTUAL ALLIANCE TREATIES OF THIS NATURE CAN - AND SOMETIMES DO - INVOLVE AGREEMENT FOR THE DEPLOYMENT OF NUCLEAR WEAPONS OF THE MAJOR POWER IN THE TERRITORY OF A NON-NUCLEAR ALLY, OR FOR SPECIAL FACILITIES INVOLVING NUCLEAR DELIVERY SYSTEMS.

12. THUS, WHILE THERE NEED BE NO INCOMPATIBILITY PER SE BETWEEN THE PARTICIPATION OF A NON-NUCLEAR WEAPON STATE IN A NUCLEAR-WEAPON-FREE ZONE AND ITS MEMBERSHIP IN A SECURITY ALLIANCE WHICH INCLUDES NUCLEAR POWERS, IN PRACTICE IT MUST BE RECOGNIZED THAT EACH SITUATION WOULD HAVE TO BE EXAMINED SEPARATELY. IT IS ARGUED

BY SEVERAL EXPERTS THAT SUCH ALLIANCES SHOULD NOT BE REGARDED AS BEING IN ALL CASES COMPETITIVE WITH NUCLEAR-WEAPON-FREE ZONES, BUT COULD BE COMPLEMENTARY TO THE SUCCESS OF THE ZONE. ALL THAT CAN BE SAID AT THIS STAGE IS THAT THE ISSUE OF COMPATIBILITY BETWEEN MEMBERSHIP OF A SECURITY ALLIANCE OF THIS NATURE AND A NUCLEAR-WEAPON-FREE ZONE IS OBVIOUSLY IMPORTANT TO THE EFFECTIVENESS OF THE ZONE AND AN IMPORTANT ASPECT IN ITS ESTABLISHMENT, AND THAT, AT THE VERY LEAST, THE SITUATION WILL NEED TO BE MADE CLEAR TO ALL PARTIES.

13. THE QUESTION OF BASES IS ALSO A HIGHLY COMPLEX AREA. THERE ARE THOSE WHO BELIEVE THAT IT IS CRUCIAL TO THE EFFECTIVENESS OF THE NUCLEAR-WEAPON-FREE ZONE CONCEPT THAT THE PROVISION OF BASES IN WHICH NUCLEAR WEAPONS ARE STORED OR WHICH NUCLEAR-CARRYING VEHICLES VISIT ARE INCOMPATIBLE WITH IT, WHILE OTHERS DO NOT RATE IT AS A HIGHLY SIGNIFICANT FACTOR. THIS IS CLEARLY A MATTER WHICH MUST BE RESOLVED IN THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE BETWEEN THE PARTIES, BUT IT IS ONE ON WHICH DIFFERING VIEWS ARE HELD BY THE EXPERTS.

4. EXTENT AND COMPOSITION OF ZONES

14. ON THIS MATTER IT SEEMS BOTH IMPRACTICABLE AND UNNECESSARY TO ATTEMPT TO ESTABLISH PRECISE RULES, BUT IT WOULD APPEAR THAT CERTAIN CHARACTERISTICS WOULD BE OF PARTICULAR IMPORTANCE TO A SUCCESSFUL NUCLEAR-WEAPON-FREE ZONE. IT WOULD, FOR EXAMPLE, BE DIFFICULT TO ESTABLISH A TRULY EFFECTIVE ZONE WITHOUT THE PARTICIPATION IN ONE WAY OR ANOTHER OF THE MAJOR POLITICAL OR MILITARY NATIONS IN THE REGION. BUT AS FAR AS THE SIZE OF NUCLEAR-WEAPON-UNCLASSIFIED

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FREE ZONES WAS CONCERNED, ALL POSSIBILITIES COULD BE EXPLORED, RANGING FROM VERY SMALL ZONES BEING PART OF COUNTRIES TO WHOLE CONTINENTS. AT THE UPPER END OF THE SIZE-SPECTRUM THERE ARE THE EXAMPLES OF ANTARCTICA AND LATIN AMERICA. AT THE OTHER, THERE EXIST A FAIR NUMBER OF DEMILITARIZED ZONES ESTABLISHED IN THE PAST WHICH BY DEFINITION ARE AT THE SAME TIME DENUCLEARIZED ZONES. THUS, IT HAS BEEN ARGUED, ALTHOUGH THE CREATION OF LARGE ZONES WOULD PROVIDE GREATER PROGRESS TOWARDS NUCLEAR DISARMAMENT THAN SMALL, THE ESTABLISHMENT OF MEDIUM, SMALL, AND EVEN VERY SMALL, ZONES COULD PLAY A SIGNIFICANT ROLE IN ENHANCING REGIONAL SECURITY.

15. IT IS ALSO IMPORTANT THAT IT SHOULD HAVE EXACTLY DEFINED, AND SHOULD COINCIDE WITH UNDERSTOOD FRONTIERS. THIS WOULD NOT PRECLUDE SPECIAL ARRANGEMENTS IN PARTICULAR CASES, BUT THE PRINCIPLE IS IMPORTANT. THE PRINCIPLE IN PRACTICE, HOWEVER, COULD PRESENT CONSIDERABLE DIFFICULTIES, ESPECIALLY WHEN THERE IS AN INTENTION TO SET UP ADDITIONAL SAFETY AREAS. IT WAS ARGUED BY SEVERAL EXPERTS THAT REGIONAL ORGANIZATIONS CANNOT AND SHOULD NOT UNILATERALLY ESTABLISH SUCH ZONES IN CONTRADICTION TO THE ACCEPTED PRINCIPLES OF INTERNATIONAL LAW. SUCH ISSUES ARISE WITH PARTICULAR ACUTENESS OVER

QUESTIONS OF THE HIGH SEAS AND THE RIGHTS OF NAVIGATION, INTERNATIONAL WATERWAYS, AND THE VARIOUS ARRANGEMENTS CONCERNING TRANSIT.

IT

HAS BEEN ARGUED THAT THESE AREAS ARE OUTSIDE THE SCOPE OF A STUDY OF NUCLEAR-WEAPON-FREE ZONES AND THAT THEY ARE PROBLEMS THAT WILL NEED TO BE RESOLVED ON AN INTERNATIONAL BASIS. OTHER EXPERTS, IN CON-
TENTION, HOLD THEM TO BE A MAJOR PART OF THE ISSUE. HERE IS A
LEGAL AND POLITICAL AREA IN WHICH STRONGLY-HELD OPINIONS COLLIDE.
THESE MATTERS ARE DEALT WITH AT GREATER LENGTH IN CHAPTER IV.

5. PROCEDURES FOR THE ESTABLISHMENT OF ZONES

IT HAS ALREADY BEEN EMPHASIZED THAT THE INITIATIVE TO CREATE NUCLEAR-
WEAPON-FREE ZONES WOULD NORMALLY HAVE TO COME FROM WITHIN THE
REGION, AND IT IS SELF-EVIDENT THAT THE NATURE OF THE NEGOTIATIONS
FOR ITS ESTABLISHMENT WOULD REFLECT THE PARTICULAR CIRCUMSTANCES
OF THE ZONE AND OF THE CONTRACTING PARTIES. IN SOME REGIONS THE
EXISTING REGIONAL CONSULTATIVE ORGANIZATIONS MIGHT BE APPROPRIATE
BODIES FOR INITIATING THE NEGOTIATIONS, IN OTHERS IT MIGHT BE
PREFERABLE TO ESTABLISH AD HOC ARRANGEMENTS. IN ALL CASES STATES
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COULD REQUEST THE ASSISTANCE, ADVICE, AND GOOD OFFICES OF OTHER
BODIES, NOTABLY THE UN AND THE IAEA, IF THEY SO DESIRED.

17. IT IS ARGUED BY SOME EXPERTS THAT THE INVOLVEMENT OF STATES
OUTSIDE THE ZONE IN THE ESTABLISHMENT PROCESS - AND PARTICULARLY
THOSE WITH SPECIAL LINKS TO MEMBERS OF THE PROPOSED NUCLEAR-
WEAPON-FREE ZONE - SHOULD BE ENCOURAGED; OTHERS TAKE THE
VIEW THAT WHEREAS THESE STATES NEED NOT NECESSARILY BE EXCLUDED,
THEIR INVOLVEMENT SHOULD NOT BE REGARDED AS A RIGHT. IN THOSE
AREAS WHERE OUTSIDE NATIONS ARE SUPPOSED TO UNDERTAKE SPECIAL
COMMITMENTS TO THE ZONE, IT WOULD BE EXPECTED THAT THEY WOULD BE
INVOLVED IN NEGOTIATIONS OR CONSULTATIONS WITH THE ZONAL STATES,
AND THAT IT WOULD BE NECESSARY TO INVOLVE THE IAEA IN THESE CON-
SULTATIONS.

18. THE INSTRUMENT OF THE AGREEMENTS WOULD HAVE TO CONTAIN CERTAIN
ESSENTIAL ITEMS, OF WHICH THE MOST IMPORTANT ARE THE SPECIFIC
OBLIGATIONS OF THE PARTIES, MACHINERY AND PROCEDURES FOR ENSURING
EFFECTIVE COMPLIANCE WITH THOSE OBLIGATIONS, AND THE FORM AND NATURE
OF
UNDERTAKINGS BY OUTSIDE STATES. OTHER MATTERS RELATING TO TRANSIT OF
NUCLEAR WEAPONS OR WEAPON-CARRYING VEHICLES, MILITARY BASES,
AND VERIFICATION PROCEDURES WOULD VARY, AND NOT ALL OF THEM WOULD
BE RELEVANT TO ALL NUCLEAR-WEAPON-FREE ZONES. THESE MATTERS ARE
DISCUSSED IN GREATER DETAIL IN THE FOLLOWING CHAPTER.

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